



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: #13310-00000-00657

Date Received: 9 SEP. 2013

Commission/Civic: Eastmoor Civic Assn.

Existing Zoning: R-1. Application Accepted by: [Signature]

Comments: Hearing Date: 11/19/13

Fee: \$315

PAID 13310-00000-00657 9 SEP 2013 BUILDING & ZONING SERVICES

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

NEW GARAGE TO EXCEED 15 FEET IN HEIGHT. to 20'5"

LOCATION

1. Certified Address Number and Street Name 440 SOUTH HARDING ROAD

City COLUMBUS State OHIO Zip 43209

Parcel Number (only one required) 010-090828

APPLICANT: (IF DIFFERENT FROM OWNER)

Name PETE FOSTER RESIDENTIAL DESIGN, LLC

Address 2414 E. MAIN STREET City/State BEXLEY, OH Zip 43209

Phone # 614-238-9510 Fax # SAME Email foster-resdes@excite.com

PROPERTY OWNER(S):

Name MR. & MRS. BRENT HEUSER

Address 440 SOUTH HARDING ROAD City/State COLUMBUS, OH Zip 43209

Phone # Fax # Email

☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☐ Attorney ☐ Agent

Name

Address City/State Zip

Phone # Fax # Email

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature] PETE FOSTER

PROPERTY OWNER SIGNATURE [Signature] Brent Heuser

ATTORNEY / AGENT SIGNATURE

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer



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AFFIDAVIT

13310-00657

440 S. Harding Rd.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Brent G Heuser
of (1) MAILING ADDRESS 440 S. Harding Rd.
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at
(2) per ADDRESS CARD FOR PROPERTY
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) MR. & MRS. BRENT HEUSER
440 SOUTH HARDING ROAD
COLUMBUS, OH 10 43209

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

PETE FOSTER
PETE FOSTER RESIDENTIAL DESIGN, LLC

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) Eastmoor Civic Association
Janet Zetter, President
PO Box 91287
Colo., OH 43209

and that the following is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME	(6A) ADDRESS OF PROPERTY	(6B) PROPERTY OWNER(S) MAILING ADDRESS
<u>Mr and Mrs Kevin Ryan</u>	<u>427 S. Harding Rd</u>	<u>427 S. Harding Rd Columbus, OH 43209</u>
<u>Mrs. Marjorie Baker</u>	<u>439 S. Harding Rd</u>	<u>439 S. Harding Rd Columbus, OH 43209</u>
<u>Mr. Jay Shoor</u>	<u>419 S. Harding Rd.</u>	<u>419 S. Harding Rd. Columbus, OH 43209</u>
<u>Mr & Mrs. Tom Moore</u>	<u>450 S. Harding Rd</u>	<u>450 S. Harding Rd Columbus, OH 43209</u>
<u>Mr & Mrs. Edwin King</u>	<u>2980 Fair Ave.</u>	<u>2980 Fair Avenue Colo., OH 43209</u>

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

(8) Brent G Heuser / Edwin K Heuser

Subscribed to me in my presence and before me this 6th day of September, in the year 2013

SIGNATURE OF NOTARY PUBLIC

OLUWAFUNKUN ADEPE

My Commission Expires

Notary Public, State of Ohio
My Comm. Expires 06-16-2018

06-16-2018

Notary Seal Here

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CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

13310-00657
440 S. Harding Rd.

One Stop Shop Zoning Report Date: Mon Sep 16 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 440 S HARDING RD COLUMBUS, OH

Mailing Address: 1 CORELOGIC DR DFW 5-2
WESTLAKE, TX 76262

Owner: HEUSER BRENT G HEUSER ERIN K

Parcel Number: 010090828

ZONING INFORMATION

Zoning: 445, Residential, R1

effective 9/19/1949, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

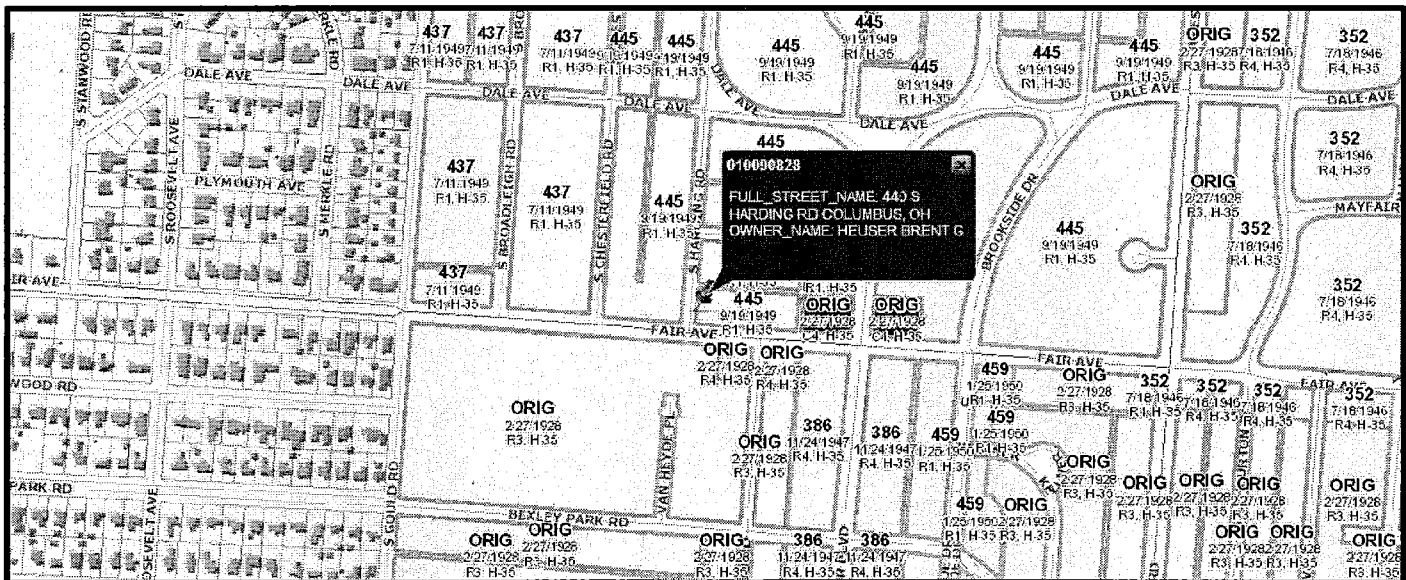
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





BOARD OF ZONING ADJUSTMENT APPLICATION

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STATEMENT OF HARDSHIP

13310-00657
440 S. Harding Rd.

APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

- ① THE HOMEOWNER WOULD LIKE TO CONSTRUCT A NEW GARAGE THAT IS DESIGNED TO FIT THE ARCHITECTURAL STYLE OF THE EXISTING HOME. AS A RESULT THE ROOF PITCH OF THE NEW GARAGE, IN MATCHING THE EXISTING HOME, EXCEEDS THE ALLOWED FIFTEEN FEET.
- ② WE HAVE DESIGNED A NEW GARAGE TO BE SENSITIVE TO THE EXISTING ARCHITECTURE AND ENHANCE THE PROPERTY.
- ③ NEW GARAGE SHALL COMPLIMENT THE EXISTING RESIDENCE.
- ④ ~~THE PROPOSED GARAGE WILL NOT BE A BURDEN TO THE SURROUNDING PROPERTIES~~ NONE OF THE SURROUNDING PROPERTIES SHALL BE NEGATIVELY AFFECTED DUE TO THE POSITIONING OF THE PROPOSED GARAGE AND ITS HEIGHT.

Signature of Applicant _____

Date 8.18.2013

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Residential Design
LLC

HEUSER GARAGE

440 SOUTH HARDING ROAD
COLUMBUS OHIO

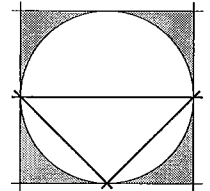
SEPTEMBER 4, 2013

NOTES

- EXISTING RESIDENCE - 3330 LIVABLE FLOOR AREA
- EXISTING FOOTPRINT OF HOUSE - 1965
- PROPOSED FOOTPRINT OF GARAGE - 715

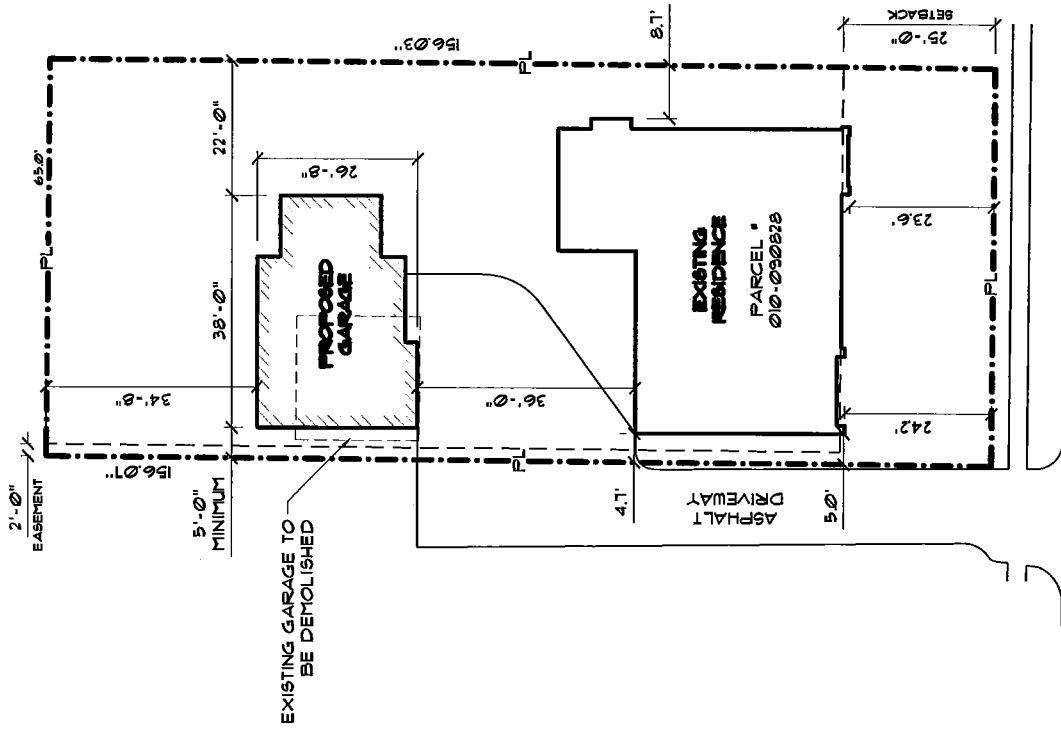
- THIS IS NOT A SURVEY. THIS SITE LAYOUT IS BASED ON INFORMATION PROVIDED BY OWNER AND IS INTENDED TO SHOW OHIO BUILDING CODE COMPLIANCE ONLY

- NO CHANGES ARE PROPOSED TO THE EXISTING SWALES
- CONNECT ALL PROPOSED DOWNSPOUTS TO EXISTING STORM DRAINS AS PER LOCAL CODE
- FIELD VERIFY THAT GARAGE WILL NOT BE CONSTRUCTED OVER A GAS LINE AS PER RCO G2415.11
- ALL ELECTRICAL WORK SHALL COMPLY WITH NATIONAL ELECTRICAL CODE.
- PROVIDE GROUND FAULT INTERRUPT PROTECTION ON RECEPTACLES IN GARAGE.
- LIGHTING OUTLETS REQUIRED. AT LEAST ONE WALL SWITCH CONTROLLED LIGHTING OUTLET SHALL BE INSTALLED IN EVERY DETACHED GARAGE WITH ELECTRIC POWER AND AT OUTDOOR ENTRANCES OR EXITS AS PER NEC 210-10(a)
- HOUSE SERVICE DROP MUST CLEAR GARAGE BY AT LEAST 3'-0"



SITE PLAN

NOT TO SCALE



13310-00657
440 S. Harding Rd.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C

DATE: 8/23/13



Disclaimer

Scale = 30



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department



City of Columbus Address Plat



CERTIFIED HOUSE NUMBERS

The House Numbers Contained on This Form
are Herein Certified for Securing
of Building & Utility Permits

Parcel ID: 010090828

Project Name: SINGLE FAMILY HOME

House Number: 440

Street Name: S HARDING RD

Lot Number: 245

Subdivision: EASTMOOR

Work Done: REMODEL

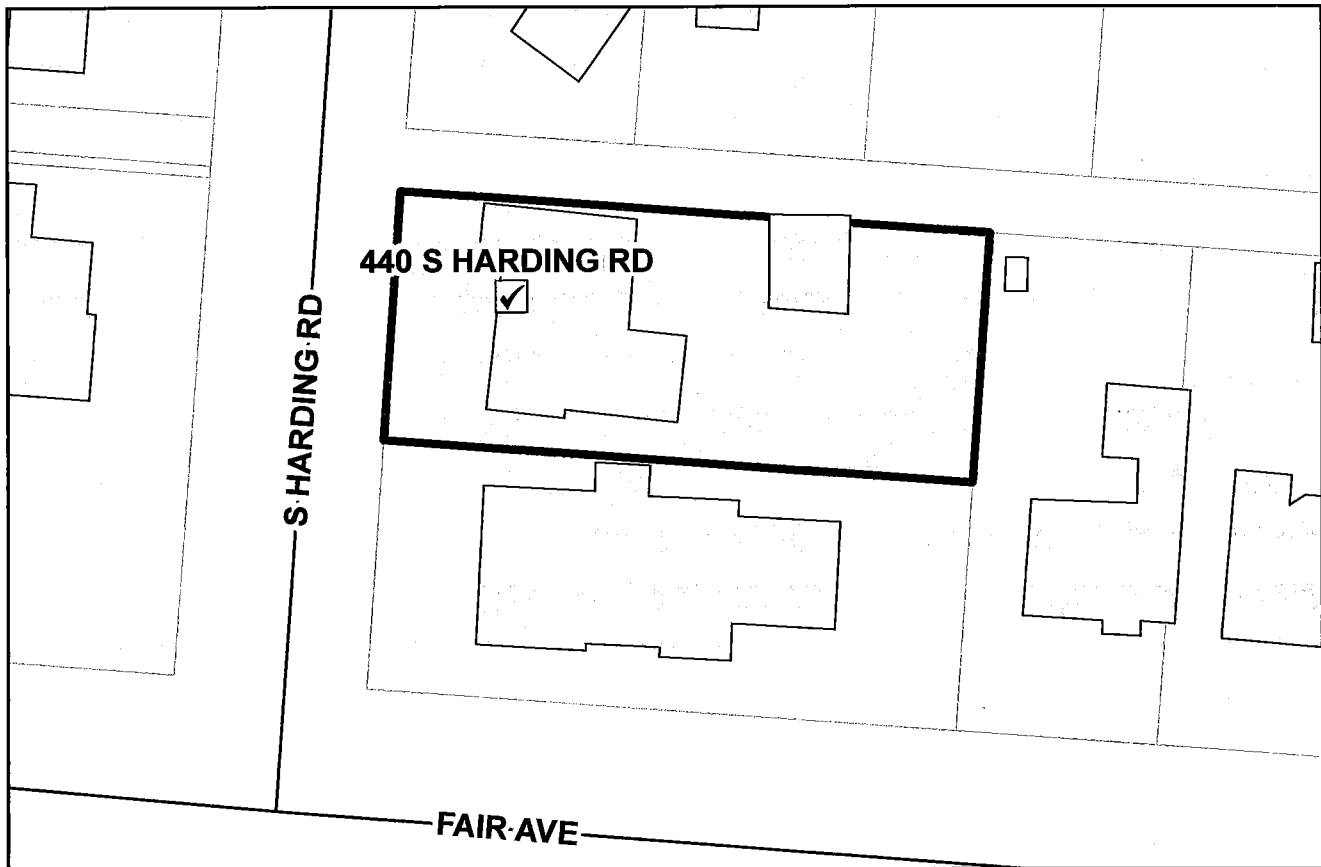
Complex: N/A

Owner: BRENT G AND ERIN K HEUSER

Requested By: PETE FOSTER ARCHITECTURE

Printed By: James R Reagan

Date: 8/23/2013



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 219690

STATE OF OHIO

STATUTORY FORM POWER OF ATTORNEY COVER LETTER

See the "Important Information" section in the attached document. After reviewing the contents of this packet, you may have additional questions or concerns specific to your personal situation. In such a case, it is important that you discuss your concerns with your family and your lawyer. If you are an Ohio resident age 60 or older, you may call the Pro Seniors' Senior Legal Helpline at 1-800-488-6070 to schedule a free telephone appointment for legal advice.

WARNING

Under Ohio law, it is a crime to unlawfully or improperly use an adult's resources for monetary or personal benefit, profit, or gain without the adult's consent. The law may further require that any person having knowledge of such abuse, neglect or exploitation of a person age 60 or older report that information to the county office of Adult Protective Services.

SUBJECTS TO INCLUDE IN YOUR AGENT'S GENERAL AUTHORITY

To give your agent general authority to act for you with respect to the subjects listed below, you must also write your INITIALS on the form, on the line to the left of each subject to include in your agent's general authority. You must initial the subjects you chose to give to your agent on the form prior to signing the form.

- Real Property
- Tangible Personal Property
- Stocks and Bonds
- Commodities and Options
- Banks and Other Financial Institutions
- Operation of Entity or Business
- Insurance and Annuities
- Estates, Trusts, and Other Beneficial Interests
- Claims and Litigation
- Personal and Family Maintenance
- Benefits from Governmental Programs or Civil or Military Service
- Retirement Plans
- Taxes

Generally in order for your agent to exercise authority over these subjects, you must also write your INITIALS on the form, on the line to the left of each subject to include in your agent's general authority. However, if you chose to give your agent authority over all the subjects listed, instead of initialing each subject, you may simply write your INITIALS on the form, on the line to the left of "All Preceding Subjects" at the bottom of the subject list on the form prior to signing the form.

SIGNING AND RECORDING THE FORM

In order for this form to be used in connection with real property transactions, you must sign and acknowledge the form before a notary public and the form must also be recorded in the office of the county recorder of the county in which the real property is located prior to using the form in connection with a real property transaction. (R.C. 1337.04).

Another benefit to signing and acknowledging the form before a notary public is that your signature on the statutory form power of attorney is presumed to be genuine if you acknowledge your signature before a notary public and this will greatly facilitate the form's acceptance by businesses, banks and other financial institutions. (R.C. 1337.25).

Note that recording the completed statutory form power of attorney in the office of the county recorder is permitted but not required unless the form will be used in connection with a real estate transaction. The recording and indexing fees set by the Ohio Revised Code (R.C. 317.32) are twenty-eight dollars for the first two pages and eight dollars for each additional page.

STATE OF OHIO

STATUTORY FORM POWER OF ATTORNEY

IMPORTANT INFORMATION

- 1) This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code).
- 2) This power of attorney does not authorize the agent to make health-care decisions for you.
- 3) You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.
- 4) Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.
- 5) This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.
- 6) If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.
- 7) This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

ACTIONS REQUIRING EXPRESS AUTHORITY

Unless expressly authorized and initialed by me in the Special Instructions, this power of attorney does not grant authority to my agent to do any of the following:

- (1) Create a trust;
- (2) Amend, revoke, or terminate an inter vivos trust, even if specific authority to do so is granted to the agent in the trust agreement;
- (3) Make a gift;
- (4) Create or change rights of survivorship;
- (5) Create or change a beneficiary designation;
- (6) Delegate authority granted under the power of attorney;
- (7) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
- (8) Exercise fiduciary powers that the principal has authority to delegate.

CAUTION: Granting any of the above eight powers will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death.

If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

**STATE OF OHIO
STATUTORY FORM POWER OF ATTORNEY**

DESIGNATION OF AGENT

I, Brent and Ervin Heuser name the following person as my agent:

Name of Agent: Pete Foster

Agent's Address: 2414 E. Main St Bexley, Ohio 43209

Agent's Telephone Number: (614) 238-9510

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: (_____) _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: (_____) _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code):

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

BGH / BKH

Real Property

_____ Tangible Personal Property

_____ Stocks and Bonds

_____ Commodities and Options

_____ Banks and Other Financial Institutions

_____ Operation of Entity or Business

_____ Insurance and Annuities

_____ Estates, Trusts, and Other Beneficial Interests

_____ Claims and Litigation

_____ Personal and Family Maintenance

_____ Benefits from Governmental Programs or Civil or Military Service

_____ Retirement Plans

_____ Taxes

_____ All Preceding Subjects

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

Pete Foster is to represent us (Brent & Erin Heuser) only in matters pertaining to the variance process through the City of Columbus Board of Zoning Adjustment Application in reference to building a new garage. This Power of Attorney will terminate immediately after the zoning committee has determined acceptance or denial of our application on this project.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a guardian of my estate or my person, I nominate the following person(s) for appointment:

Name of Nominee for guardian of my estate: _____

Nominee's Address: _____

Nominee's Telephone Number: (_____) _____

Name of Nominee for guardian of my person: _____

Nominee's Address: _____

Nominee's Telephone Number: (_____) _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Brent G. Heuser / Erin K. Heuser 9-6-13
Your Signature Date

Brent G. Heuser / Erin K. Heuser
Your Name Printed

440 S. Harding Rd Cols., OH 43209
Your Address

(614) 231-5477
Your Telephone Number

STATE OF OHIO
COUNTY OF Franklin

This document was acknowledged before me on 6th day of Sept 2013 (Date), by
Brent Heuser (Name of Principal).

[Signature]
Signature of Notary



OLUWAFUNKE FADIPE
Notary Public, State of Ohio
My Comm. Expires 06-16-2018

My commission expires: 06-16-2018

This document prepared by:

IMPORTANT INFORMATION FOR AGENT

AGENT'S DUTIES

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney;
- (4) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest;
- (5) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Act with care, competence, and diligence;
- (4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- (5) Cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest.

TERMINATION OF AGENT'S AUTHORITY

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) The death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished;
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

LIABILITY OF AGENT

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act (sections 1337.21 to 1337.64 of the Revised Code). If you violate the Uniform Power of Attorney Act or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. D. provided.

APPLICATION # **13310-00657**
440 S. Harding Rd.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Brent G and Erin K Heuser
of (COMPLETE ADDRESS) 440 South Harding Rd Columbus, OH 43209
deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
<u>Brent G Heuser &</u>	<u>440 South Harding Road</u>
<u>Erin K Heuser</u>	<u>Columbus, Ohio 43209</u>

SIGNATURE OF AFFIANT

Brent G Heuser / Erin K Heuser

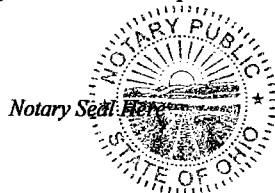
Subscribed to me in my presence and before me this 6th day of September, in the year 2013

SIGNATURE OF NOTARY PUBLIC

[Signature]

My Commission Expires:

06-16-2018



OLUWAFUNKE FADIPE
Notary Public, State of Ohio
My Comm. Expires 06-16-2018

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